

INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
CORRECTIONS STANDARDS AUTHORITY

**REGARDING THE MINIMUM STANDARDS FOR JUVENILE FACILITIES,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1, SECTION 13-201
AND PART 2, SECTION 460A**

Minimum Standards For the Design and Construction of Juvenile Facilities

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE AND RATIONALE:

(Government Code Section 11346.2 requires a statement of specific purpose of **EACH** adoption, amendment, or repeal and the rational the determination by the agency that EACH adoption, amendment, or repeal is reasonably necessary to carry out the purpose for which it is proposed.)

Part 1

Section 13-201 (a) Definitions. This regulation defines terms used throughout these regulations. To provide clarity and consistency to these regulations, four definitions have been added, fourteen have been amended, and ten have been deleted.

Due to legislative change, the name "Board of Corrections" has been replaced with "Corrections Standards Authority" in the following definitions:

- "Alternate means of compliance"
- "Appeal hearing"
- "Executive Director"
- "Filing date"
- "Hearing panel"
- "Minimum Standards for Local Detention Facilities"
- "Notice of decision"
- "Pilot project"
- "Proposed decision"
- "Request for appeal hearing"

The definition of "Board" has been renamed "CSA" based on legislative change, and the name "Board of Corrections" has been replaced with "Corrections Standards Authority" in the definition.

The definition for "cell extraction" has been added to add clarity to the new Title 15, Section 1363, Use of Reasonable Force to Collect DNA Specimens, Samples, Impressions. The term cell extraction is used in this regulation, but was previously not defined in regulation.

The definitions for:

- “Contact”
- “Inmate worker”
- “Jail”
- “Law enforcement facility”
- “Lockup”
- “Non-secure custody”
- “Secure detention”
- “Supervision in a law enforcement facility” and
- “Temporary custody”

have been deleted from juvenile regulations. These terms define situations relative to minors in adult facilities; regulations for minors in adult facilities have been transferred to adult regulations.

The definition “Department” has been deleted since the Youth Authority no longer exists.

The definition of “DNA” was developed to clarify the terms used in the new Title 15, Section 1363, Use of Reasonable Force to Collect DNA Specimens, Samples and Impressions. The term DNA is used in this regulation, but was not previously defined.

The definition of “Group Punishment” was developed to clarify for staff that any group of uninvolved minors must not be denied programming due to the actions of one or more minors except when the safety and security of the unit and/or facility may be in jeopardy. This term was added to Title 15, Section 1390, Discipline during this revision process.

The definition “Intensive Supervision Unit” was added to address the range of program, classification, and security levels that must be considered during planning and construction of camps and ranches. This term is used in the modified Title 24 Section 460A.1.25, Special Purpose Juvenile Halls.

A grammatical change was made to the definition of “Licensed health care personnel” to correct an error in the definition.

The definition of “Living area” was changed to “Living unit,” and modifications were made to ensure that the definition applies to both juvenile halls and camps. Current regulations do not define a living unit in a camp; the definition previously applied only to juvenile halls. Moreover, Title 24, Part 2, Section 460A.1.5, Living Unit, already encompasses the specific requirements for a living unit in a juvenile hall. Changing the title of this definition ensures consistency throughout the regulations.

Section 13-201 (b) Exclusions. The proposed revisions reflect legislative action, replacing the Board of Corrections with Corrections Standards Authority. There is no operational impact.

Section 13-201(c) 1. Letter of Intent. The proposed revisions reflect legislative action, replacing the Board of Corrections with Corrections Standards Authority. There is no operational impact.

Section 13-201(c) 2. Needs Assessment. The proposed revisions reflect legislative action, replacing the Board of Corrections with Corrections Standards Authority. There is no operational impact.

Section 13-201(c) 3. Operational Program Statement. The proposed revisions reflect legislative action, replacing the Board of Corrections with Corrections Standards Authority. There is no operational impact.

Section 13-201(c) 4. Facilities in Existing Buildings. The proposed revisions reflect legislative action, replacing the Board of Corrections with Corrections Standards Authority. There is no operational impact.

Section 13-201(c) 5. Submittal of Plans and Specifications. Proposed revisions reflect legislative action, replacing the Board of Corrections with Corrections Standards Authority. There is no operational impact based upon this revision.

Since the CSA no longer forwards plans to the State Fire Marshal for review, revisions will delete this statement from the regulation.

Section 13-201(c) 6. Design Requirements. Proposed revisions reflect legislative action, replacing the term Board with CSA, and delete the term “board” from “board rated capacity.” There is no operational impact based upon this revision.

Additional proposed revisions would raise the decibel noise level in dayroom areas from 65 to 70 and from 35 to 45 in sleeping areas to be consistent with the noise levels required in adult facilities and by the American Correctional Association’s (ACA) standards. There will be no fiscal impact on existing facilities. These noise levels are considered as a minimum level of acceptability. According to the ACA, it is generally understood that 45 decibels is the upper limit of sound levels that will produce undisturbed sleep.

These proposed revisions may decrease the cost of building a juvenile facility, since information from the field indicates that it is virtually impossible to construct a facility that would meet the current decibel noise level without exceeding the facility budget. The mechanical system, which provides the environmental noise control, typically represents 10 to 15 percent of the cost of the building, depending on the climate, design of the building envelope, and the type of systems selected to provide the desired environmental conditions to the building. In order to meet the current decibel level, the facility must be equipped with a more expensive mechanical system. In the past several years, newly constructed juvenile facilities have exceeded their construction budget due to meeting the current noise level.

Section 13-201(c) 7. Pilot Project. The proposed revisions reflect legislative action, replacing the Board of Corrections with Corrections Standards Authority, and Board with CSA. There is no operational impact.

Section 13-201(c) 8. Alternate Means Of Compliance. The proposed revisions reflect legislative action, replacing the Board of Corrections with Corrections Standards Authority, and Board with CSA. There is no operational impact.

Part 2

Section 460A.1.1 Reception/Intake Admission. The proposed revisions will require that reception areas in newly constructed camps and ranches have access to a shower, a secure vault or storage space for minors’ valuables, access to telephones, and access to hot and cold water for staff use. The current regulation only requires these fixtures in juvenile halls, although many camps are constructed with these fixtures installed.

Section 460A.1.5 Living Unit. Proposed changes ensure consistency with the modified definition of a living unit so that the requirements apply to all types of facilities, not just juvenile halls. There currently is no definition of a living unit for camps. This regulation will continue to require that living units in juvenile halls be limited to 30 minors.

Section 460A.1.10 Dayrooms. The proposed revision would require that all juvenile facilities provide 35 square feet per minor, consistent with the square footage requirement for juvenile halls. The current regulation requires 30 square feet of floor area per minor in camps and special purpose juvenile halls. Requiring this

extra space would provide facilities extra space for a variety of programs, such as recreation, visiting and reading. Additionally, in the event the weather does not permit outdoor physical activity, the dayroom can be utilized for large muscle exercise.

Section 460A.1.22 Audio Monitoring System. The proposed revision would require that all locked rooms in any juvenile facility have an audio monitoring system. The current regulation requires an audio monitoring system only in locked rooms in juvenile halls and locked sleeping rooms and single occupancy rooms in secure camps. Amending this regulation will ensure that all minors in locked rooms have the ability to summon aid.

Section 460A.1.25 Special Purpose Juvenile Halls. Proposed revisions will require secure units operating within camps or ranches for the purpose of segregating minors who have been disruptive to the program or who are being confined pending removal from the camp on the basis of their poor conduct to comply with regulations governing special purpose juvenile halls.

Currently, this regulation only refers to special purpose juvenile halls. Most camp and ranch facilities are in remote locations and minors who require segregation due to disruptive behavior are often confined to a room that is not designed for holding until they are transferred to the juvenile hall. Special purpose juvenile hall requirements best address this issue because there are currently no regulations relative to locked segregated holding rooms in camps. Special purpose juvenile halls are used for the temporary confinement of minors, not to exceed 96 hours, prior to transfer to a full service juvenile facility.

Clarifying language is also proposed to discern that if intensive supervision units are used for disciplinary purposes, as opposed to a holding place prior to transfer, then the requirements of Section 1391, Discipline Process, would apply.

Section 460A.1.27 Program and Activity Areas. The proposed regulation would require new camp and ranch designs to include areas designated for program use. Current regulations do not include provisions for programs and activity areas in camps and ranches. Consensus from the field indicates that adequate areas for programs and activities should be required in camp and ranch facilities.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS:

The Corrections Standards Authority (CSA) did not rely on any technical, theoretical or empirical studies, reports or similar documents in proposing the adoption of these regulations.

CONSIDERATION OF REASONABLE ALTERNATIVES

No other alternatives were presented to or considered by the CSA when proposing the adoption of these regulations.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS and FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS.

The CSA has determined that the proposed regulatory action will not affect small business, because the scope of these regulations is specific to the operation of local detention facilities.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS.

The CSA is not aware of any significant adverse impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

The CSA did not identify any duplicate or conflicting federal regulations.